

BOARD OF SELECTMEN
February 27, 2006

I. Call to Order/Roll Call

Vice Chair Mary K. Lyman called the Board of Selectmen's meeting to order at 6:05 P.M. in the Selectmen's conference room at the Town Offices. Present were: Vice Chair Lyman and Selectmen Brian P. Major and Alex J. Vispoli. Also present was Town Manager Reginald S. Stapczynski. The meeting was duly posted.

II. Executive Session

A motion was made by Selectman Vispoli, seconded by Selectman Major, to go into Executive Session to discuss collective bargaining strategy and the approval of Executive Session minutes and to return to Open Session. The vote was 3-0. Present were: Vice Chair Lyman and Selectmen Major and Vispoli. Selectman John P. Hess arrived at 6:11 P.M. Also present were Town Manager Reginald S. Stapczynski and Labor Counsel Michael C. Gilman.

A motion was made by Selectman Hess, seconded by Selectman Vispoli, to adjourn the Executive Session and return to the Open Meeting. The vote was 4-0. The Executive Session adjourned at 7:05 P.M.

III. Opening Ceremonies

Chairman Ted Teichert called the Regular Meeting of the Board of Selectmen to order at 7:15 P.M. in the Selectmen's conference room at the Town Offices. Present were: Chairman Teichert and Selectmen Mary K. Lyman, Alex J. Vispoli, Brian P. Major and John P. Hess. Also present was Town Manager Reginald S. Stapczynski and Assistant Town Clerk Kathy McKenna. The meeting was duly posted and cablecast live. Chairman Teichert called for a Moment of Silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

Town Manager Reginald S. Stapczynski

- The School Department will present their FY-07 Budget at a Joint Meeting of the Board of Selectmen and Finance Committee on Wednesday, March 1, 2006 at 7:00 P.M. in the School Committee Room.
- Distributed a letter for the Selectmen's signatures to the Town's Legislative delegation urging their support in lifting the cap of the Lottery.
- Announced that the deadline to submit nominations for the Virginia Cole Community Award is March 24th. Nominations are to be submitted to the Town Manager's Office and the award will be presented at the Annual Town Meeting.
- Suggested that a date be set at the next Financial Planning Subcommittee meeting to meet with representatives from Moody's Investors Service.
- The Merrimack Valley Metropolitan Planning Organization (MPO), charged with programming regional transportation projects within the Merrimack Valley, approved \$3.6M for the Main Street Improvement Project and \$600,000 for the Route 125/Salem Street project in the Federal Fiscal Year 2006 at their meeting on February 16th.

IV. Communications/Announcements/Liaison Reports (Cont.)

Assistant Town Clerk Kathy McKenna

- Read the candidates' names as they will appear on the upcoming March 28th Town Election ballot and reminded everyone that the last date to register to vote in the Election is March 8th.

Selectman Vispoli

- Commended the work of the Lowell Junction Interchange Task Force to date and indicated that a status report will be given later in the meeting.

Selectman Lyman

- The Senior Center will hold a Mardi Gras at the Town House on Saturday, March 11th.

Chairman Teichert

- Commended the Senior Center staff on their Valentine's Day Brunch held last week.

V. Approval of Consent Agenda Items

A. Appointments and Re-appointments

A motion was made by Selectman Hess, seconded by Selectman Lyman, to approve the following Plant and Facilities Department and Community Services appointments as recommended by the Town Manager:

| DEPARTMENT | POSITION | RATE | EFF. DATE |
|--|--------------------------------|------|-----------|
| <u>PLANT AND FACILITIES DEPARTMENT – Forestry Division</u> | | | |
| Peter J. Gallant | Tree Climber (v. M. Reilly) | W-5 | 2/13/06 |
| <u>COMMUNITY SERVICES</u> | | | |
| Robert Carleo | Sports Assistant – PT | C2A | 1/30/06 |
| Michael Campinelli | Sports Assistant – PT | C2A | 1/20/06 |
| Samiul M. Islam | Sports Counselor – PT | C2A | 1/17/06 |
| Justin W. Maddox | Sports Counselor – PT | C2A | 1/23/06 |
| Anita Adams | Enrichment Instructor – PT | *** | 3/22/06 |

*** Varies with course

The vote was 5 – 0.

A motion was made by Selectman Lyman, seconded by Selectman Hess, to approve the following appointments to the Council on Aging as recommended by the Town Manager: Burt M. Pinney (v. K. Walsh) – term to expire 6/30/08; Jo-Ann Deso (v. P. Van Vleet) – term to expire 6/30/06 and Mary L. Ryan – term to expire 6/30/08. The vote was 5 – 0.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the Board of Selectmen's re-appointment of Carolyn Simko to the Board of Registrars. Her term will expire March 31, 2008. The vote was 5 – 0.

V. Approval of Consent Agenda Items Cont.)

B. One-Day Beer & Wine Licenses

A motion was made by Selectman Vispoli, seconded by Selectman Major, to approve the application of Kathy Urquhart, Elder Services Director, Senior Center, Andover, MA, for a one-day beer & wine license for use at the Town House on Saturday, March 11, 2006 from 6:00 P.M. to 10:00 P.M. for their Mardi Gras and to approve the application of Deana Fassio, 3 West Pine Street, Plaistow, NH, for a one-day beer & wine license for use at the Town House on Saturday, July 15, 2006 from 6:00 P.M. to midnight for a wedding. It was noted that both requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to issuance of the licenses. The vote was 5 – 0.

C. Amateur Boxing Night

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the application of Mark Michaud, Co-Chairman of the Exchange of Lawrence Amateur Boxing Night Committee, Post Office Box 552, Lawrence, for a license waiver to conduct a night of amateur boxing at the Wyndham Hotel, Old River Road, Andover, on Friday, March 31, 2006 from 7:00 P.M. to 11:00 P.M. The event has been sanctioned by the State Boxing Commission. It was noted that the request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The vote was 5 – 0.

VI. Citizens Petitions and Presentations – None this evening.

VII. Other Business of the Board

A. New Business

1. Transfer of land to the Conservation Commission

Planning Director Paul Materazzo appeared before the Board and provided background information on the need to transfer open space land located at 10 David Drive, 6 Black Birch Way and Hearthstone Village to the care, custody and control of the Conservation Commission. He reported that all three requests were submitted as warrant articles for the required vote at the 2006 Annual Town Meeting and were reviewed and approved by the Planning Board at their February 14, 2006 meeting.

A motion was made by Selectman Major, seconded by Selectman Lyman, that the Board of Selectmen determine that the land at 10 David Drive, shown as Parcel 5K on Assessors Map 155, being Parcel “C” open space on a plan recorded in Essex North Registry of Deeds, Plan 7863, described in Book 1344, Page 151, containing 4.44 acres, is no longer needed for general municipal purposes and that notice of such determination is hereby given and that the land be transferred to the care, custody and control of the Andover Conservation Commission upon a vote of Town Meeting. The vote was 5 – 0.

VII. Other Business of the Board (Cont.)

A. New Business (Cont.)

1. Transfer of land to the Conservation Commission (Cont.)

A motion was made by Selectman Vispoli, seconded by Selectman Major, that the Board of Selectmen determine that the land at Hearthstone Place (16.80 acres), Tax Map 178, Lot 1A, Book 3547, Page 320; 19 Hearthstone Place (26.86 acres), Tax Map 201, Parcel 17, Book 3547, Page 320 and 10 Keystone Way (.64 acres), Tax Map 179, Parcel 38, Book 3547, Page 320, Hearthstone Village Subdivision, being Parcels “A, B and C” open space on a plan recorded in Essex North Registry of Deeds, Plan 10807, containing 44.3 acres is no longer needed for general municipal purposes and notice of such determination is hereby given and that the land be transferred to the care, custody and control of the Andover Conservation Commission upon vote of Town Meeting. The vote was 5 – 0.

A motion was made by Selectman Vispoli, seconded by Selectman Major, that the Board of Selectmen determine that the land at 6 Black Birch Way, shown as Parcel 7 on Assessors Map 208, being Lot A-1 on a plan recorded in Essex North Registry of Deeds, Plan

9165, described in Book 2826, Page 208, containing 2.4 acres is no longer needed for general municipal purposes and that notice of such determination is hereby given and that the land be transferred to the care, custody and control of the Andover Conservation Commission upon a vote of Town Meeting. The vote was 5 – 0.

2. Tri-Town Letter of Agreement/Lowell Junction Interchange Project

Selectman Vispoli provided background information on the interchange project and the Tri-Town Agreement which will provide an opportunity for the three towns (Tewksbury, Wilmington and Andover) to work together in developing a unified development plan for the area and protect their interest. Planning Director Paul Materazzo addressed the Board and outlined changes that the Town's Lowell Junction Interchange Task Force would like included in the Agreement. The Board discussed the changes and concluded that due to the accelerated timeline of the project, it was important to sign the Agreement and include the suggested changes as an attachment.

Resident Mary Carbone, Cyr Circle, addressed the Board regarding her concerns on the ramifications of border issues. She inquired whether meetings concerning the project would be open to the public. Planning Director Materazzo responded they would and that public input will be an important part of the project.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to sign the Tri-Town Agreement for the Lowell Junction Interchange Project and to include the two conditions outlined by the Lowell Junction Interchange Task Force as an attachment to the Agreement. The vote was 5 – 0.

VII. Other Business of the Board (Cont.)

A. New Business (Cont.)

3. Andover Youth Foundation Presentation

Dr. Larry L. Larsen and Gerald H. Silverman of the Andover Youth Foundation presented a proposal for a new location of the proposed Youth Center. Mr. Silverman explained that the lack of fields at the present Chandler Road site due to the landfill capping project and the extended timeframe for the completion of new fields once the capping has been completed had necessitated that the Foundation look for a new site. He provided the Board with a plan prepared by Chris Huntress of Huntress Associates, Inc. illustrating the new site located in the corner of the parking lot behind the Doherty Middle School overlooking the football field. He indicated he had made the same presentation to the School Committee at their last meeting. He outlined the advantages of constructing the Youth Center at this location: next door to the middle school, in close proximity to the downtown, walking distance from the High School and West Middle School, available parking in the afternoon and evening, a full gym and auditorium which can be utilized by the entire community and available storage for Youth programs who use the adjacent fields.

Selectman Lyman inquired whether the group was looking at other sites and if any changes were planned to the building. Mr. Silverman indicated they are not looking at other sites. Dr. Larsen said changes will be made to the outside of the building to accommodate the neighborhood and there are no plans to change the inside of the complex.

The process to obtain the land and subsequent Town Meeting approval was discussed. Town Counsel Thomas J. Urbelis explained that a vote – the same as was done in 1999 for the present location – would be needed from the School Committee to transfer the land to the Town for the purpose of a Youth Center with control of the Board of Selectmen once the building has been built, a new Town Meeting vote would be required and, if approved, a new Agreement between the Youth Foundation and the Town would have to be drafted. Mr. Silverman indicated that the group was looking at the possibility of petitioning for a Special Town Meeting in the Fall. He said the 2006 Annual Town Meeting warrant article requesting \$900,000 for infrastructure costs would, most likely, be withdrawn.

Dr. Larsen reviewed the Foundation's financial statement and indicated that pledges would, most likely, increase with the new site proposal. He reported that all donors have been made aware of the change and are fully on board. He reported they presently have \$2 million in cash and another \$890,000 in pledges.

The Board engaged in a lengthy discussion regarding the new proposal and comments from residents in attendance at the meeting were offered as well. Dr. Larsen assured the Board it is still the Foundation's mission to build a Youth Center and continue to sustain the Youth Services program. It was the consensus of the Board that Selectman Major and Selectman Hess should continue to work with the Foundation, School Committee subcommittee representatives, the Youth Council and YAC (Youth Action Council) and to provide them with another update in mid-April prior to Town Meeting.

VII. Other Business of the Board (Cont.)

A. New Business (Cont.)

4. TRIAD Program

A motion was made by Selectman Vispoli, seconded by Selectman Major, to approve the establishment of a TRIAD Program in the Town of Andover, which is a partnership with the Essex County Sheriff, Essex County District Attorney and Andover Police Chief, Fire Chief and Council on Aging, for the purpose of working together to reduce both criminal victimization and unwarranted fear of crime affecting older persons; and to approve the establishment of a TRIAD Council which shall have the composition, powers and duties as described in the document submitted by Elder Services Director Kathy Urquhart. The vote was 5 – 0. The Manager noted that residents interested in serving on the Council and anyone interested should contact his office to fill out a Talent Bank form.

5. 2006 Annual Town Meeting Warrant

The Board engaged in a lengthy discussion regarding Article 23 – Conservation Land Acquisition, Article 17 – School Roof Replacements and Article 21 – Sidewalk Reconstruction and whether they should be funded through a debt exclusion or within the tax levy and whether the school roof replacements and sidewalk reconstruction should be done over three years or one year.

Selectman Major cautioned the Board that using a debt exclusion to fund these projects was a new arena and once it is done, it will be very difficult in future years to go back to funding such projects within the operating budget. Selectman Lyman suggested reducing the amount for the Conservation Land Acquisition request and the number of years for the School Roof Replacement and Sidewalk Reconstruction in order to fund them through the operating budget.

Residents Peggy Keck and Alan French spoke in favor of Article 23 and stressed the importance of continuing to appropriate money to acquire conservation land in the Town. They spoke of the difference between the three articles and reminded the Board that the acquisition of land lasts forever opposed to sidewalks and roofs that will always need to be replaced or repaired. The Town Manager relayed to the Board that Conservation Director Robert Douglas had informed him the Conservation Commission preferred that funds be appropriated without using a debt exclusion.

A motion was made by Selectmen Lyman, seconded by Selectman Vispoli, to fund Article 23 – Conservation Land Acquisition without a debt exclusion with the intention that further discussion will take place at a later date once the Conservation Commission has come forward with a lower figure. The vote was 5 – 0.

The merits of the sidewalk reconstruction program were discussed along with the concern that if the request went to a debt exclusion vote and failed, nothing would be done opposed to recommending the one-year plan which would appropriate funds from within the operating budget and, if approved, one year of the plan would be completed.

VII. Other Business of the Board (Cont.)

A. New Business (Cont.)

5. 2006 Annual Town Meeting Warrant (Cont.)

Selectman Hess said a three-year plan for both the sidewalks and roofs should be outlined for the voters. He felt funding for both projects was important, however, the requested expenditures were too large to be paid for within the operating budget this year. If the debt exclusion vote failed, then a different plan could be brought back to the voters next year. The Board engaged in a lengthy discussion regarding debt exclusion vs. funding through the operating budget and whether to modify the articles by lowering the amounts and the number of years for each program in order to fund them through the operating budget.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to fund Article 17 – School Roof Replacement and Article 21 – Sidewalk Reconstruction for one-year through the operating budget (non-debt exclusion) with the amounts for each article to be determined. The vote was 4 – 1 (Hess – opposed).

A motion was made by Selectmen Lyman, seconded by Selectman Vispoli, to sign the 2006 Annual Town Meeting Warrant as amended. The vote was 5 – 0.

VIII. Approval of Minutes from Previous Meetings

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the minutes of the November 7, 2005 Regular Meeting. The vote was 5 – 0.

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the minutes of the December 21, 2005 Special Meeting with the Andover Youth Action Council, Andover Youth Services and Andover Youth Foundation. The vote was 5 – 0.

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the minutes of the February 6, 2006 Regular Meeting. The vote was 5 – 0.

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the minutes of the February 13, 2006 Joint Meeting with the Finance Committee. The vote was 5 – 0.

A motion was made by Selectman Major, seconded by Selectman Vispoli, to approve the minutes of the February 22, 2006 Joint Meeting with the Finance Committee. The vote was 5 – 0.

A motion was made by Selectman Major, seconded by Selectman Vispoli, to release the minutes of the April 12, 2004 Executive Session. The vote was 5 – 0.

IX. Sewer Commissioners

A motion was made by Selectman Hess, seconded by Selectman Major, to adjourn from the Regular Meeting to act as Sewer Commissioners. The vote was 5 – 0. The Board adjourned at 9:50 P.M. A roll call was taken. Present as Sewer Commissioners were: Chairman Teichert and Selectmen Lyman, Vispoli, Major and Hess.

A motion was made by Selectman Hess, seconded by Selectman Lyman, to approve the following requests for connection to the new sanitary sewer system:

7 Countryside Way – TM 82, TL 56
8 Peach Tree Path – TM 82, TL 43
10 Peach Tree Path – TM 82, TL 44
29 Rattlesnake Hill Road – TM 82, TL 4
68 Rattlesnake Hill Road – TM 101, TL 51A
4 Rocky Hill Road – TM 63, TL 3
386 South Main Street – TM 62, TL 27
432 South Main Street – TM 63, TL 47
436 South Main Street – TL 63, TL 49
8 Sunset Rock Road – TM 79, TL 11C
96 Woburn Street – TM 120, TL 1

The vote was 5 – 0.

A motion was made by Selectman Hess, seconded by Selectman Lyman, to approve the following requests for connection to the existing sanitary sewer system:

48 Argilla Road – TM 94, TL 11
18 Dale Street, Bldg. #2 – TM 138, TL 15
32 Osgood Street – TM 179, TL 30T
131 River Road – TM 165, TL 1D

The vote was 5 – 0.

A motion was made by Selectman Hess, seconded by Selectman Lyman, to adjourn as Sewer Commissioners and return to the Regular Meeting. The vote: Teichert – yes; Lyman – yes; Vispoli – yes; Major – yes and Hess – yes. The meeting adjourned at 9:53 P.M.

Roll call was taken. Present at the Regular Meeting were: Chairman Teichert and Selectman Lyman, Vispoli, Major and Hess.

X. Executive Session

A motion was made by Selectman Major, seconded by Selectman Hess, to go into Executive Session to approve minutes from previous Executive Sessions. The vote: Teichert – yes; Lyman – yes; Vispoli – yes; Major – yes and Hess – yes. The Board entered into Executive Session at 9:55 P.M. Present in the Executive Session were: Chairman Teichert and Selectman Lyman, Vispoli, Major and Hess. Also present was Town Manager Reginald S. Stapczynski.

XI. Adjournment

A motion was made by Selectman Major, seconded by Selectman Vispoli, to adjourn the Executive Session and not to return to Open Session. The vote was 5 – 0. The meeting adjourned at 10:04 P.M.

Respectfully submitted,

Sandra A. Cassano
Recording Secretary